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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA • SAN DIEGO
10

11 DAVID SANTOYO,

12 Plaintiff,

13 vs.
14

15 MANUEL SOTO, JR., JAMES
16 SILBERMAN, JUAN RAMON SALAZAR,
AND DOES 1 TO 10,

17 Defendants.
18
19

Case No. 08-CV-1000 W BLM

**Assigned to Hon. Thomas J. Whelan
Courtroom 7**

**DECLARATION OF
MANUEL SOTO, JR.**

20 I, Manuel Soto, Jr., declare as follows:

21 1. If called upon to testify as to the matters herein stated, I could and would
22 competently testify thereto because these facts are within my personal knowledge.

23 2. I am a Defendant in the above-entitled action.

24 3. I operated, and was a passenger in, recreational vessels on Senator Wash
25 Reservoir on numerous occasions between May 2004 and June 10, 2006. I went boating on
26 Senator Wash Reservoir at least one day a month in the months of May, June, July, and
27 August during this period.

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1 4. Based upon this boating activity, I am thoroughly familiar with the portions of
2 the waters of Senator Wash Reservoir upon which vessels can be operated.

3 5. The bracketed section of page three (3) Exhibit "A", the report of Imperial
4 County Sheriff's Deputy R.W. McCoy regarding the incident at issue in Plaintiff's Complaint,
5 is a true and accurate description of Senator Wash Reservoir.

6 6. Exhibit "B", an excerpt from the map for Yuma, Arizona for the year 2007
7 published by the Bureau of Land Management of the United States Department of the Interior,
8 is a true and accurate representation of Senator Wash Reservoir.

9 7. The map on page fifteen (15) of Exhibit "C", "Colorado River Boating Trail
10 Guide: Blythe to Imperial Valley," published by the California Department of Boating and
11 Waterways, is a true and accurate representation of Senator Wash Reservoir.

12 8. Senator Wash Reservoir is a reservoir retained by earthen dams.

13 9. Senator Wash Reservoir is wholly contained in Imperial County in the State of
14 California.

15 10. Senator Wash Reservoir is completely land-locked.

16 11. There are no locks to permit vessels to pass through or around the dams at
17 Senator Wash Reservoir.

18 12. It was not physically possible to operate a vessel to travel from Senator Wash
19 Reservoir onto any other body of water on June 10, 2006. Nor was it possible to do so at any
20 time in the approximately two-year period in which I went boating on Senator Wash
21 Reservoir.

22 I declare under penalty of perjury under the laws of the United States of America that
23 the foregoing is true and correct, and that this declaration is executed on this 11th day of July
24 2008 in San Diego, California.

25
26 
27 Manuel Soto, Jr.
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 12400 Wilshire Boulevard, Suite 1300, Los Angeles, California, 90025.

On **July 14, 2008** I served the foregoing documents described as:

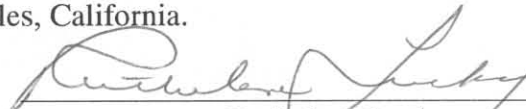
DECLARATION OF MANUEL SOTO, JR.

on the interested parties in this action:

See attached Service List

- ☒ (BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ (BY FACSIMILE) I am responsible for service by facsimile to the above addresses.
- ☐ (PERSONAL) I delivered such envelope by hand to the offices of the addressee.
- ☐ (BY FEDERAL EXPRESS) I am responsible for service by Federal Express to the above address with guaranteed delivery by 10:00 a.m. on _____.
- ☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on **July 14, 2008** at Los Angeles, California.


Ruthelene Luckey

SERVICE LIST

David Santoyo, Jr. v. Manuel Soto, Jr.

USDC-Southern (San Diego) Case No. 08-CV-1000 W BLM

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Mailing Information for a Case 3:08-cv-01000-W-BLM

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- (No e-mail recipients)

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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